

SCOTTSDALE

CITY COUNCIL MEETING

AMENDED AGENDA

(ITEM NO. 13 MOVED FROM CONSENT AGENDA TO THE REGULAR AGENDA)



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, January 24, 2006

3:00 P.M.

City Council Special Meeting

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys in the litigation regarding *City of Scottsdale v. Edmunds-Toll Construction Company*, cause number CV2004-001025 currently pending in the Maricopa County Superior Court. A.R.S. 38-431.03(A)(3-4). Contact Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, (480) 312-2405, bwashburn@scottsdaleaz.gov.

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Discuss and consult with the attorneys and representatives of the public body for legal advice and to consider its position and instruct its attorneys in the litigation regarding *City of Scottsdale v. Edmunds-Toll Construction Company*, cause number CV2004-001025 currently pending in the Maricopa County Superior Court. A.R.S. 38-431.03(A)(3-4).

Adjourn to Executive Session

4:00 P.M. CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Boards, Commissions and Task Forces

How the Board and Commission Interview and Appointment Process Works: The Council will spend a few minutes interviewing each board and commission nominee. At the conclusion of the interviews, the Council will make the appointments. Once the appointments have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Interview of citizen nominees and appointments to City boards and commissions.

Environmental Quality Advisory Board. *Nominees:* Michael Miller, James Mulloy, Brian Munson
Council action to fill two vacancies.

Library Board. *Nominees:* Richard Kiesell, Paul Lison, Marilyn Murphy, Judy Snyder, Nancy Walker
Council action to fill two vacancies.

McDowell Sonoran Preserve Commission. *Nominees:* Thomas Morrow, Solange Whitehead
Council action to fill one vacancy.

Neighborhood Enhancement Commission. *Nominees:* John Horwitz
Council action to fill one vacancy.

Planning Commission. *Nominees:* Michael Edwards, Kevin O'Neill
Council action to fill one vacancy.

Public Safety Personnel Retirement System. Jeffrey Burg
City Council affirmation of Mayor Manross' proposed appointment.

Adjourn Special Meeting

5:00 P.M. CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA ITEMS 1 - 14

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [Oregano's Pizza Bistro Extension of Premises Liquor License](#)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises to add a storage area.

Location: 7215 E. Shea Boulevard

Reference: 50-EX-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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2. [Tandoori Times Indian Bistro \(Restaurant\) Liquor License](#)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.

Location: 6810 E. 5th Avenue

Reference: 81-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. [Caleo Resort & Spa \(Bar\) Liquor License](#)

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license.

Location: 4925 N. Scottsdale Road

Reference: 82-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. [One Scottsdale Well Agreement](#)

Request: Adopt Resolution No. 6825 authorizing Well Agreement No. 2003-143-COS between Corrigan/DMB and City of Scottsdale regarding various alternative well system improvements.

Key Items for Consideration:

- This agreement will allow DMB to prepare the One Scottsdale (Stacked 40s) property for future development consistent with the water needs of the development and Water Resources Department standards.
- The City will maintain the existing capacity to extract water from the basin.
- These well system improvements will tie into the CAP Water Treatment Plant and assist in providing peak demand capacity.
- This agreement provides the flexibility for DMB and the City to work together to provide aesthetic enhancement for the Scottsdale Road scenic corridor at an existing adjacent well site.

Related Policies, References:

- Agreement is related to case 20-ZN-2002 (One Scottsdale/Stacked 40s).
- Construction and timing for the projects included in the agreement are related to the Scottsdale Road and Center Drive projects the City and DMB currently have under design.

Staff Contact(s): Kroy S. Ekblaw, Executive Assistant, 480-312-7064, kekblaw@scottsdaleaz.gov; Dave Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

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5. **Engineering Services Contract for Design of the Indian Bend Wash Multi-Use Path Connection Improvements**
Request: Authorize Engineering Services Contract No. 2006-004-COS with Carter & Burgess, Inc., in the amount of \$149,220 for the design of Indian Bend Wash Multi-Use Path Connection Improvements.
Related Policies, References: FY 2005/2006 Capital Improvement Plan
Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov
6. **Design Phase Services Contract for Fire Station Number 2**
Request: Authorize Construction Manager at Risk (CM@Risk) Design Phase Services Contract No. 2006-005-COS with Sun Eagle Corporation in the amount of \$51,942 for pre-construction services for Fire Station Number 2, proposed in the vicinity of the northeast corner of Indian School Road and 75th Street.
Related Policies, References:
 - On August 29, 2005 City Council authorized Architectural Services Contract No. 2005-131-COS with LEA Architects, LLC for the design of Fire Station 2.
 - Council adopted Resolution No. 6580 authorizing purchase of property intended for construction of a new Downtown Fire Station on December 6, 2004.**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov
7. **Application to the Maricopa HOME Consortium for Federal HOME Funds for the Acquisition and Rehabilitation of Rental Units in Scottsdale**
Request: Adopt Resolution No. 6810 supporting an application for federal HOME funds by Community Services of Arizona (CSA), an Arizona non-profit corporation, to the Maricopa HOME Consortium for the acquisition and rehabilitation of existing rental housing in Scottsdale.
Related Policies, References: City Council adopted Resolution No. 6675 on June 7, 2005, which authorized Intergovernmental Agreement No. 2005-002A-COS to continue participation in the Maricopa HOME Consortium.
Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov; Mark J. Bethel, Community Assistance Manager, 480-312-2309, mbethel@scottsdaleaz.gov
8. **WestWorld Facility Use License with Region VII Arabian Horse Association**
Requests: Adopt Resolution No. 6823 authorizing a five-year Facility Use Agreement No. 2006-008-COS with Region VII – IAHA to utilize WestWorld's equestrian facilities for their 2007 – 2011 Regional Arabian Horse Shows held each April.
Related Policies, References: Scottsdale Revised Code (SRC) Section 2-221(c) states: The City Manager or designee shall have the authority to enter into temporary licenses or similar agreements for the use of city owned property, including but not limited to, land, buildings, office space, rooms, and other interior and exterior space, but not city rights-of-way. Such agreements shall be in the form approved by the City Attorney. Such agreements shall have a term of one (1) year or less and a unilateral termination clause in favor of the city that does not require the city to give more than thirty (30) days' notice of cancellation. Any license or other such agreement not meeting these criteria requires approval by the City Council.
Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

9. [Marketing Consultant Contract for City Trolley Services](#)

Request: Adopt Resolution No. 6818 authorizing Contract No. 2006-002-COS with Asylum Pipeline in the amount of \$33,750 to assist City of Scottsdale staff in providing a successful image and brand for the family of trolley services through a cohesive, consistent and comprehensive marketing program. Included in this effort are the following elements: designing a naming framework, brand logos, color schemes and promotional concepts. In addition, the marketing firm is expected to facilitate and guide marketing input from stakeholders.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334,
moconnor@scottsdaleaz.gov

10. [Trolley Vehicle Purchase for Expanded Levels of Service](#)

Request: Authorize the purchase of five trolley vehicles from Arizona Bus Sales for \$1,385,910 to expand the operation of the southern circulator service to include additional service area and potentially better service frequencies. Request for Proposal #03RP023 describes the original agreement, administratively awarded to Arizona Bus Sales.

Related Policies, References: RFP #03RP023; City Procurement Code

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334,
moconnor@scottsdaleaz.gov

11. [Authority for Human Resources to Receive Criminal History Information for Employment Purposes at the City of Scottsdale](#)

Request: Consider adopting Ordinance No. 3659, amending Chapter 14 of the Scottsdale Revised Code, to authorize the Human Resources General Manager to request and receive criminal history information for the purpose of evaluating the fitness of applicants for employment and designated volunteer positions at the City of Scottsdale.

Related Policies, References:

- Arizona Revised Statutes 41-1750; Public Law 92-184, Section 902; Section 1, of the Scottsdale City Charter
- Ordinance No. 2424
- City Code Chapter 14-41(i) relating to background checks for employment purposes

Staff Contact(s): Teri Traaen, Human Resources General Manager, 480-312-2615,
ttraaen@scottsdaleaz.gov

12. [Legal Counsel to the Hearing Officer for the Southwest Ambulance Bid Protest](#)

Request: Authorize execution of Contract No. 2006-007-COS in a maximum amount of \$20,000 with Charles E. Jones for legal services in connection with the bid protest initiated by Southwest Ambulance.

Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405,
drobberson@scottsdaleaz.gov

***13. [Moved to the Regular Agenda](#)

14. [Grant Application for Funding the Development of the Gateway Access Area in the McDowell Sonoran Preserve](#)

Request: Adopt Resolution No. 6821, authorizing staff to submit a grant application for approximately \$107,000 in Arizona State Parks Trails Heritage Funds to assist in funding the development of the Gateway Access Area in the McDowell Sonoran Preserve, and to accept the grant funding should the application be successful.

Related Policies, References: This action directly supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and sub-goals under Goal B: Create access into the Preserve, and Create learning opportunities in the Preserve; and Goal F: Fiscal and Resource Management.

Staff Contact(s): Robert Cafarella, Preservation Director, 480-312-2577,
rcafarella@scottsdaleAZ.gov

Regular Agenda begins on the following page

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***13. [State Expenditure Limit – Permanent Base Adjustment Election](#)

Request: Adopt Resolution No. 6815 to place a proposition on the May 16, 2006 Runoff Election ballot seeking voter approval to adjust the City of Scottsdale's permanent base expenditure limit by \$12 million.

Staff Contact(s): Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov; Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

Public Comment

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City Manager's Report

Mayor and Council Item 15

15. [Citizens' Petition Requesting Censure of Three Council Members Regarding Nomination Petition Challenge](#)

Request: Consideration of citizens' petition that was provided to Council at the January 10, 2006 City Council meeting. The signers petitioned the City Council to censure three City Council members regarding the Nan Nesvig nomination petition challenge, demanded full public disclosure of events, facts and parties involved, and have asked that all three Council Members be required to reimburse the City for additional expenses involved in the City's response.

Adjournment